

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/603,128	GUREVICH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel A Hess	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 6/24/2003 pre-amendment.
2.  The allowed claim(s) is/are 29-38.
3.  The drawings filed on 07 November 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Israel on 7/12/2004.

The application has been amended as follows:

**IN THE CLAIMS:**

29. An athermalized laser assembly comprising:
  - a laser diode;
  - a lens system;
  - a first member for maintaining the relative positions of the laser diode and lens system having a first coefficient of thermal expansion and effective length L in the direction of an optical axis of the laser assembly; and
  - a second member having a second, larger coefficient of thermal expansion and an effective length L<sub>p</sub> in the direction of the optical axis of the laser assembly, the first and second members together confining the a separation between the laser diode and lens system to a desired

spacing along the optical axis of the laser assembly, wherein the lengths L and  $L_p$  and the thermal coefficients properties of the first and second members are selected so that the linear expansion of the second member in one direction along the optical axis of the assembly substantially cancels out the linear expansion of the first member in the opposite direction along the optical axis of the assembly.

***Allowable Subject Matter***

Claims 29-38 are allowed.

The following is an examiner's statement of reasons for allowance: The examiner could not find within the prior art of record any teaching or suggestion of an athermalized laser assembly constructed as recited in claim 29, wherein two opposing portions have a selected expansion coefficient and length as shown in figure 17 of the instant specification such that the linear expansion of one portion is canceled by the expansion of the other portion.

The nearest prior art of record, O'Brien et al. (US 5,313,333) and Sobottke et al. (US 5,440,574) each teach laser assemblies wherein different portions have different coefficients of expansion such that a compensatory effect results. However, in each case, the configuration is different and does not include two opposing portions whose different lengths are selected as recited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

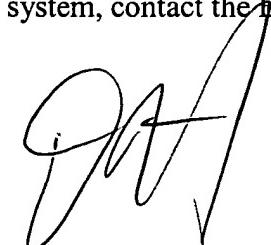
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ziph-Schatzberg et al. (US 5,283,695) teaches another athermalized laser assembly with a different configuration. Leary (US 5,570,238) and McCrary (US 5,557,474) are related systems that use differences in thermal coefficients for passive thermal compensation in optical systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

Daniel A Hess  
Examiner  
Art Unit 2876



THIEN M. LE  
PRIMARY EXAMINER